

**Notice of Allowability**

Application No.

10/670,320

Examiner

Janis L. Dote

Applicant(s)

WATANABE ET AL.

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/25/06.
2. ☒ The allowed claim(s) is/are 1,3 and 8-28.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/29/05;5/25/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

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1. The examiner acknowledges the amendments to claims 21 and 28 set forth in the amendment filed on May 25, 2006.

Claims 1, 3, and 8-28 are pending.

2. The information disclosure statement filed on May 25, 2006, fails to comply with 37 CFR 1.97(d) because it lacks a statement as specified in 37 CFR 1.97(e). It has been placed in the application file, but the information referred to therein has not been considered.

3. The US application listed in the "List of related cases in the Information Disclosure Statement (IDS) filed on Dec. 30, 2004, has not been considered by the examiner. Applicants have not provided legible copies of those portions of the US application, e.g., copies of the originally filed claims and drawings, which applicants have stated caused the application to be listed. Legible copies were requested in the office action mailed on Apr. 12, 2006, paragraph 2.

In the response filed on May 12, 2006, applicants only provided a copy of the postcard receipt. They did not provide copies of the missing documents.

In response to this office action, if applicants want the US application listed in the IDS filed on Dec. 30, 2003, to be considered, they must provide copies of the missing documents.

4. In response to applicants' comments and submission of a copy of the date-stamped filing receipt of Sep. 26, 2003, that shows that copies of the originally filed claims and drawings of the US applications listed in the IDS filed on Sep. 26, 2003, were received by the USPTO, filed on May 12, 2006, the examiner has considered only the material submitted by applicants, i.e., copies of the originally filed claims, abstracts, and figures, provided by applicants on Nov. 29, 2005, of the US applications listed on the "List of related cases" in the Information Disclosure statements filed on Sep. 26, 2003.

#### **EXAMINER'S AMENDMENT**

5. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

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Authorization for this examiner's amendment was given in a telephone interview with Ms. Kirsten Grueneberg (Reg. No. 47,297) on Jun. 6, 2006.

The application has been amended as follows:

In claim 28, line 5, after the phrase "wherein a toner," delete the word "is" and insert the phrase -- that forms said toner image on the image bearing material is -- .

6. The examiner's amendment to claim 28 set forth in paragraph 5, supra, overcomes the rejection under 35 U.S.C. 112, second paragraph, set forth in the office action mailed on Apr. 12, 2006, paragraph 8.

#### **REASONS FOR ALLOWANCE**

7. The following is an examiner's statement of reasons for allowance:

The rejections of claims 21 and 28 under 35 U.S.C. 112, second paragraph, set forth in the office action mailed on Apr. 12, 2006, paragraph 8, have been withdrawn in response to the amendment to claim 21 set forth in the amendment filed on May 25, 2006, and to the examiner's amendment to claim 28 set forth in paragraph 5, supra.

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Claims 1, 3, and 8-28 are allowable over the prior art of record for the reasons discussed in the office action mailed on Apr. 12, 2006, paragraph 6, which are incorporated herein by reference.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janis L. Dote whose telephone number is (571) 272-1382. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, Mr. Nam Nguyen, can be reached on (571) 272-1342. The central fax phone number is (571) 273-8300.

Any inquiry regarding papers not received regarding this communication or earlier communications should be directed to Supervisory Application Examiner Ms. Claudia Sullivan, whose telephone number is (571) 272-1052.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JLD  
Jun. 6, 2006

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